

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
* <i>Malacothamnus fasciculatus</i> ssp. <i>nesioticus</i> .	* Santa Cruz Island bush-mallow.	* U.S.A. (CA)	* Malvaceae—Mallow	* E	* 623	* NA	* NA
* <i>Malacothrix indecora</i>	* Santa Cruz Island malacothrix.	* U.S.A. (CA)	* Asteraceae—Aster ..	* E	* 623	* NA	* NA
* <i>Malacothrix squalida</i>	* Island malacothrix ...	* U.S.A. (CA)	* Asteraceae—Aster ..	* E	* 623	* NA	* NA
* <i>Phacelia insularis</i> ssp. <i>insularis</i> .	* Island phacelia	* U.S.A. (CA)	* Hydrophylla- ceae—Waterleaf	* E	* 623	* NA	* NA
* <i>Thysanocarpus conchuliferus</i> .	* Santa Cruz Island lacepod.	* U.S.A. (CA)	* Brassicaceae—Mustard.	* E	* 623	* NA	* NA
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Dated: July 24, 1997

John G. Rogers,

Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961107312-7012-02; I.D. 072597A]

Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for species in the rock sole/flathead sole/"other flatfish" fishery category by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1997 Pacific halibut bycatch allowance specified for the trawl rock sole/flathead sole/"other flatfish" fishery category.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 25, 1997, until 2400 hrs, A.l.t., December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1997 halibut bycatch allowance specified for the BSAI trawl rock sole/flathead sole/"other flatfish" fishery category, which is defined at § 679.21(e)(3)(iv)(B)(2), was established by the Final 1997 Harvest Specifications for Groundfish of the BSAI (62 FR 7168, February 18, 1997) as 795 metric tons.

In accordance with § 679.21(e)(7)(iv), the Administrator, Alaska Region, NMFS, has determined that the 1997 Pacific halibut bycatch allowance specified for the trawl rock sole/flathead sole/"other flatfish" fishery in the BSAI has been caught. Consequently, NMFS is closing directed fishing for species in the rock sole/flathead sole/"other flatfish" fishery category by vessels using trawl gear in the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1997 Pacific halibut bycatch allowance specified for the trawl rock sole/flathead sole/"other flatfish" fishery in the BSAI. Providing prior notice and an opportunity for public comment on this action is impracticable and contrary to public interest. The fleet will soon take the Pacific halibut bycatch allowance specified for the trawl rock sole/flathead sole/"other flatfish" fishery in the BSAI. Further delay would only result in overharvest and disrupt the FMP's objective of allowing incidental catch to be retained throughout the year. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by 50 CFR 679.21 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 25, 1997.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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